

UNITED STATES

V

**RULING: GOVERNMENT
MOTION TO REDACT OR
DELETE CLASSIFIED
EVIDENCE FROM EVIDENCE
MADE AVAILABLE TO THE
ACCUSED**

DATED: 8 November 2012

The redacted and deleted substitution meets the Government's discovery obligations under *Brady* and RCM 701(a)(6) to disclose evidence tending to reasonably negate the guilt of the accused to an offense charged, reduce the degree of guilt to an offense charged, or reduce the punishment.

The irrelevant classified information that was redacted or deleted and not disclosed to the Defense is not material to the preparation of the defense or relevant and necessary for production under RCM 703(f).

The substitution is sufficient for the Defense to adequately prepare for trial and represents an appropriate balance between the right of the Defense to discovery and the protection of specific national security information.

RULING: The classified motion by the Government to voluntarily provide limited disclosure under MRE 505(g)(2) is **GRANTED** in accordance with the guidance of the Court.

So Ordered this 8th day of November 2012.



DENISE R. LIND
COL, JA
Chief Judge, 1st Judicial Circuit